

REMARKS

I. Introduction

In response to the Office Action dated January 13, 2011, claims 1 and 43 have been amended. Claims 1-16 and 43-58 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Non-Art Rejections

In paragraphs (2)-(3) of the Office Action, claim 1 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite, for reciting an “apparatus” rather than a “system”.

Applicants’ attorney has amended claim 1 to overcome this rejection.

III. Prior Art Rejections

In paragraph (6) of the Office Action, claims 1-7, 9, 12, 43-49, 51, and 54 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sanders, III et al., U.S. Patent 6,138,011 (Sanders) in view of Edwards, U.S. Publication No. 2004/0228292 (Edwards).

In paragraph (7) of the Office Action, claims 8, 16, 50, and 58 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sander in view of Edwards, and further in view of Boyle et al., U.S. Patent 6,606,305 (Boyle).

In paragraph (8) of the Office Action, claims 10 and 52 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sanders in view of Edwards, and further in view of Sarkar et al., U.S. Patent No. 7,236,580 (Sarkar).

In paragraph (9) of the Office Action, claims 11 and 53 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sanders in view of Edwards, and further in view of Ahmed et al., U.S. Patent No. 7,085,364 (Ahmed).

In paragraph (10) of the Office Action, claims 13, 15, 55, and 57 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sanders in view of Edwards, and further in view of Wilson, U.S. Patent No. 6,192,119 (Wilson).

In paragraph (11) of the Office Action, claims 14 and 56 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sanders in view of Edwards, and further in view of Botterell et al., U.S. Patent No. 3,912,874 (Botterell).

Applicants' attorney respectfully traverses these rejections in light of the amended claims above and the arguments below. Specifically, Applicants' attorney submits that the Sanders, Edwards, Boyle, Sarkar, Ahmed, Wilson and Botterell references, taken individually or in any combination, do not teach or suggest all of the limitations of Applicants' claims.

For example, Applicants' independent claims 1 and 43 recite a different architecture and operate in a different manner from the combination of Sanders and Edwards.

First, Applicants' attorney submits that one of skill in the art would not combine Sanders with Edwards in the manner suggested by the Office Action. Sanders performs only a full-duplex dispatch or group call wholly within the cellular network, but does not provide a half-duplex group call. On the other hand, Edwards performs both a half-duplex dispatch call and a full duplex dispatch call using the Integrated Digital Enhanced Network (iDEN) system manufactured by Motorola, Inc., which operates in parallel with, but separately from, an associated cellular network. Consequently, one of skill in the art that wanted to provide both a half-duplex and full duplex dispatch call would use only Edwards, but would not combine Edwards with Sanders because it make no sense to duplicate the full duplex dispatch call functions in both the cellular network and the iDEN system.

Moreover, Applicants' attorney submits that Sanders cannot be combined with Edwards in the manner suggested by the Office Action to accomplish Applicants' claimed invention. As noted above, the combination of Sanders and Edwards would result in a first full duplex dispatch call being implemented using the cellular network of Sanders, and a second full duplex dispatch call, along with a half-duplex dispatch call, being implemented using the iDEN network of Edwards. In contrast, Applicants' claimed invention implements both the half-duplex Push-to-Talk and the full-duplex Push-to-Conference services within the cellular network. Specifically, Applicants' claimed invention requires a real-time exchange that provides both Push-to-Talk and Push-to-Conference services for handsets in a cellular network, with both the real-time exchange and the handsets participating in the half-duplex P2T session or the full-duplex P2C session communicating with each other using the call setup and in-band signaling within the cellular network.

Note also that, in Applicants' claimed invention, both Push-to-Talk and Push-to-Conference services are provided by a real-time exchange interfaces to a mobile switching center (MSC) in the cellular network to provide group voice services. In Sanders, a dispatch controller

interfaces to a mobile switching center to provide only the full-duplex dispatch calls, but Edwards has nothing equivalent to the real-time exchange, and its recited functions, in either the iDEN system or the associated cellular network providing the half-duplex and full duplex dispatch calls.

Moreover, Sanders says nothing about upgrading to a full-duplex dispatch call from a half-duplex dispatch call, as admitted by the Office Action. On the other hand, Edwards does refer to a system capable of providing both half duplex and full duplex dispatch calls, where the user can select either operation. However, as noted above, Edwards provides these dispatch calls using the iDEN system separate from the associated cellular system, and Edwards has nothing equivalent to the real-time exchange providing an upgrade in the cellular network.

Thus, the combination of Sanders and Edwards does not teach or suggest the limitations of Applicants' claims directed to a real-time exchange that interfaces to a mobile switching center in the cellular network to provide both the half-duplex Push-to-Talk and full-duplex Push-to-Conference capabilities in the cellular network. This is what distinguishes Applicants' claims over the combination of Sanders and Edwards.

The remaining references, Boyle, Sarkar, Ahmed, Wilson and Botterell, fail to overcome the deficiencies of Sanders and Edwards in these aspects. Recall that these references were only cited against Applicants' dependent claims, and were only cited for teaching: that a passive participant may join or not join a session by entering a code on their handset (Boyle), that a conference is maintained until the last two users terminate (Boyle), that a passive participant may mute the audio input and listen to a conference call (Sarkar), that an initiator of a conference call can drop or add participants during the call (Ahmed), that the initiator of the conference call should be billed for the call (Wilson), and that when a conference originator decides to end a conference, all the conferee ports are released (Botterell).

In view of the above, Applicants' attorney submits that the Sanders, Edwards, Boyle, Sarkar, Ahmed, Wilson and Botterell references, taken individually or in any combination, do not teach or suggest all of the limitations of Applicants' claims. Moreover, the various elements of Applicants' claimed invention together provide operational advantages over the references. In addition, Applicants' invention solves problems not recognized by the references.

Thus, Applicants' attorney submits that independent claims 1 and 43 are allowable over the Sanders, Edwards, Boyle, Sarkar, Ahmed, Wilson and Botterell references. Further,

dependent claims 2-16 and 44-58 are submitted to be allowable over the references in the same manner, because they are dependent on independent claims 1 and 43, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-16 and 44-58 recite additional novel elements not shown by the references.

IV. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in an interview, the Examiner is urged to call Applicants' undersigned attorney.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate. Please charge all fees to Deposit Account No. 50-0494 of Gates & Cooper LLP.

Respectfully submitted,

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